REMARKS

Claims 1, 3, 4, 6, 8-11, 13, 14, 16-23, 25, 27, 28, 30, 32-38 and 40-47 are in the case and presented for reconsideration. Claims 1, 4, 8, 16, 25, 28, 32 and 40 have been amended. No new matter has been added.

Claims 1, 4, 8, 16, 25, 28, 32 and 40 have been amended in order to more particularly point out that the apparatus and method for determining the position of an object within a body of a subject in accordance with the present invention wherein the apparatus and method further comprises processing these signals so as to determine six-dimensional position and orientation coordinates of the object in the body. The support for this amendment can be found in the Applicant's Specification, for example, Page 1, Lines 7-9 and Page 8, Lines 6-15.

Claims 1, 3-6, 8, 12, 16, 25, 27, 28, 30, 32 and 40 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0051766 (Gadzdzinski). Claims 13, 14, 20-23, 29, 36-38 and 44-47 have been rejected under 35 U.S.C. § 103(a) as being unpatenable over Gadzdzinski in view of U.S. Patent No. 6,073,043 (Schneider). Claims 9, 10, 11, 17-19, 33-35 and 41-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gadzdzinski in view of U.S. Patent No. 5,689,576 (Schneider et al.).

With respect to the cited prior art references, Gazdzinski teaches an endoscopic smart probe "for inspection, diagnosis and treatment of internal organs" of a patient. See Paragraph No. [0003]. Additionally, the smart probe of Gazdzinski "operates autonomously of external devices and is sized and shaped such that it may be introduced into the esophagus and ultimately small intestine of the patient undergoing examination/treatment." See Paragraph No. [0042].

Although this reference does include a vague reference to tracking its probe location, there is absolutely no teaching or suggestion of being able to determine position and orientation coordinates of the probe in the body, let alone six-dimensional position and orientation coordinates of a wireless tag or wireless transducer fixed to an object used in a patient's body

such as distinctly claimed by Applicant's invention. Accordingly, Gazdzinski simply does not anticipate nor render obvious Applicant's claimed present invention as amended.

Schneider ('043) describes a method and apparatus for measuring position and orientation using magnetic fields wherein the system is used for locating the end of a catheter or endoscope. Schneider does not teach or suggest an apparatus and method for determining the position of an object within the body of a subject that uses either (1) at least one acoustic wave generator and a wireless acoustic tag; (2) at least one acoustic wave generator and a wireless electromagnetic tag; or (3) at least one electromagnetic generator and an acoustic tag wherein each of these generator and wireless tag combinations are used to determine six-dimensional position and orientation coordinates of the object in the body such as found with the Applicant's novel claimed invention.

Moreover, there is no specific teaching that can be found in either Gazdzinski or Schneider ('043") that would constitute proper motivation to combine these references in the manner suggested by the Examiner, and, even if one of ordinary skill in this field were to be properly motivated to combine these references in the manner suggested, this combination of teachings falls far short of describing or suggesting Applicant's claimed invention as amended.

Schneider et al. ('576) describes surface feature mapping using high resolution c-scan ultrasonography. The Schneider et al. system and method is particularly directed toward fingerprint imaging and is not related to Applicant's claimed present invention in any way.

Thus, upon closer review of Gazdzinski, Schneider ('043), and Schneider et al. ('576), neither of these prior art references, either alone or in combination with each other, teach or suggest an apparatus and method for determining the position of an object within the body of a subject that uses either (1) at least one acoustic wave generator and a wireless acoustic tag; (2) at least one acoustic wave generator and a wireless electromagnetic tag; or (3) at least one electromagnetic generator and an acoustic tag wherein each of these generator and wireless tag combinations are used to determine six-dimensional position and orientation coordinates of the object in the body such as found with the Applicant's novel claimed invention. And, not only

does no motivation exist to combine these references in the manner suggested by the Examiner, but if such motivation could be found, these combination of references still do not teach, suggest or infer Applicant's claimed invention as amended.

Accordingly, by this Amendment and for the reasons outlined above, Applicant's claimed present invention is neither anticipated by nor rendered obvious by the cited prior art references and favorable action is respectfully requested.

Respectfully submitted,

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